

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NICOLE STEPHANIE TARBOX
and COLE ROBERT TARBOX, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
March 28, 2006

Petitioner-Appellee,

v

MARK ROBERT TARBOX,

Respondent-Appellant,

and

SALNA RENATA KORANY,

Respondent.

No. 264808
Oakland Circuit Court
Family Division
LC No. 03-685109-NA

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights under MCL 712A.19b(3)(c)(i), (g), (h), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Only one ground for termination need be established for termination. MCL 712A.19b(3). The trial court did not clearly err in finding that sections (c)(i) (conditions of adjudications continue to exist) and (g) (failure to provide proper care and custody) were established by clear and convincing evidence. MCR 3.977(J).

The conditions leading to adjudication were respondent-appellant's incarceration after violating probation and that there was no one to care for the children. Respondent-appellant was later resentenced to one to ten years' imprisonment after violating probation.

At the time of the termination trial, respondent-appellant was still incarcerated and a decision of the parole board was pending. Respondent-appellant failed to establish that he could provide the children with a home assuming he was released on parole. Respondent-appellant

testified did not have a job ready and did not have a plan for housing for the children, pending his release. Given that the children were very young and had been in foster care for 20 months, the trial court did not clearly err in finding that sections (c)(i) and (g) were established by clear and convincing evidence.

The trial court also did not clearly err in its best interest determination. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 344; 612 NW2d 407 (2000). Although respondent-appellant may have had a very close bond with his children and sent them numerous cards and letters while he was incarcerated, he was unable to have a relationship with them for the 20 months he was incarcerated. Although respondent-appellant was released on parole very soon after the termination trial, he testified at the best interests hearing that he would not be able to financially provide a home for his children for at least six months. Cole was 13 months old and Nicole was 3½ years old when they were placed in foster care. These young children had already been denied permanency and stability for 20 months. For these reasons, the trial court did not clearly err in its best interests determination.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder
/s/ Brian K. Zahra